

Development of Special Education Programs

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Agenda

- ***Welcome & Introductions***
- ***Objectives***
- ***Special Education Compliance & Funding Requirements***

Objectives

- *Plan for federal & state **compliance** requirements for a special education program regardless if the charter school chooses to receive state and federal funding for special education.*
- *Schedule deadlines to collect state funds (IBEDS & IFARMS) & IDEA Part B funds (a.k.a. VI-B funds).*

Governing Board Appointment

- Appoint one board position to be responsible for the oversight of the Special Education program
 - Legal Compliance: “education agencies **shall comply** with all governing special education requirements”
 - Individuals with Disabilities Education Act (IDEA)
- Set a schedule for regular progress reports to the governing board
- Utilize a checklist and plan of action to meet the requirements for an eligible program
 - Avoid a “Notice of Defect” from approving agency

Special Education Policies & Procedures

- Governing body **shall adopt** the charter school's policies & procedures for special education (Mar – May 2009)
 - Review the Idaho Special Education Manual 2007 sample set of policies and procedures since it meets all federal & state requirements (Mar-Apr 2009)
www.sde.idaho.gov/specialeducation
 - Present this manual or comparable manual to the governing board for adoption (May 2009)
 - Begin recruitment & hiring personnel to ensure implementation of the policies – Area of EXTREME SHORTAGE (Apr 2009)

Chapter 2 - FAPE

- Ensure a free, appropriate, public, education regardless if the charter requests federal funds
- Students **retain all rights and protections** available under the IDEA 2004 – read the procedural safeguard notice (Ch 11, pg 186)
- FAPE ends:
 - Student no longer meets eligibility criteria after a re-evaluation
 - Meets requirements for a regular high school diploma
 - Semester in which student turns 21 yrs old

Chapter 3 - Child Find

- When the charter school sends an offer of enrollment to the parent or guardian for signature, request information to determine if the student currently has a disability AND an **individualized education plan** (known as an IEP) to be implemented during their enrollment. Include an assurance that information will not change enrollment status (April-May 2009 or Enrollment deadline).
- Request the parent to send a copy of the student's IEP, if available, when they accept the offer of enrollment (April-May 2009 or Enrollment deadline).

Request for Records

- **Send a request for records** to the student's previous school (April-June 2009)
 - Idaho schools: administrative rule (IDAPA) cites that schools must send records within 10 days of the request (Sp Ed Manual pg 97-98)
 - Request all special education records, including but not limited to comprehensive evaluation documents, written eligibility reports, parental consents, IEPs, invitations to meetings, written notices, and any other compliance documents
 - Transfers from out of state schools – charter must eventually determine if eligible for special education services using Idaho criteria

Child Find System

- If a student is suspected as having a disability under IDEA after a student has been enrolled, **define your pre-referral system** that will document interventions, accommodations, and supports that have been provided to students in the general education settings.
- **Notify parents** in a school handbook or other comparable means about your special education program and referral process if they suspect a child may have a disability.
- Develop an informational brochure about your special education program for parents of students with a disability as they enroll and for an “as needed basis.”

Chapter 4 - Evaluation & Eligibility

- **Evaluation team** must include qualified professionals to ensure 1) accurate interpretation of diagnostic examinations and 2) informed decisions are made.
- Address availability of a **variety** of assessment tools & methods **needed for all disability categories**: such as, formal & informal, standardized & non-standardized, criterion-referenced & norm-referenced, limited English ability factors

Resources to Conduct Assessments

- **Hire or arrange possible contracts with qualified personnel** – arrange for a minimum of 1) an administrator responsible for sp ed budget & compliance, 2) special education teacher, 3) speech & language pathologist, 4) school psychologist, 5) vision screening, 6) occupational therapist, 7) physical therapist
 - Paraprofessionals – must be under the **direct supervision** of a qualified professional and have **supervision plan** by that individual
 - Other considerations – school counselor, nurse, social worker, technology specialist, hearing specialist, deaf interpreter, braille and O&M
- **Facility considerations** – locations for systematically observing, gathering, & recording information

Eligibility Checks

- Sp ed Staff must review all sp ed files for documentation of eligibility criteria
- Check comprehensive evaluation dates – 3 yr re-evaluation timeline
- Out-of-state transfers – must eventually determine eligibility in Idaho within a reasonable amount of time
- 13 disability categories in Idaho and all require 1) an adverse affect on educational performance and 2) the need specially designed instruction

Chapter 5 – Individualized Education Plan

- **Before school begins**, IEPs need to be reviewed, and only revised if necessary in accordance with state & federal laws (June-August 2009)
- Check IEP dates, only valid for 365 days

Provision of services

- Use a Case Management system to estimate the number of staff needed to provide the special education and related services for ALL special education students (employees or independent contractors)
- Special education and related services as identified in student IEPs must in place by the first day of the school year

Chapter 6 – Continuum of Services & Settings

- Provide for **an array of services** – academic, social emotional, speech/language, assistive technology, transition, etc. Services are based on student's need resulting from the disability.
- Develop a **transportation plan for special education students** who may, because of the nature of their disabilities, be entitled to specialized transportation as a related service, even if transportation is not provided to other students

Continuum of Settings

- Continuum of settings - **Location of services** based on the least restrictive environment to meet the unique needs of the student.
- Identify how settings will be able to include general ed classes, special classes, face to face v. electronic settings, etc. Ensure that options will be available.
- **Accessible** school, classrooms, and settings within the classrooms to permit access to students with disabilities

Chapters 8 – 10

Charter School Mission & Policies

- Non-discriminatory enrollment even when a charter has a specialized mission, policies, and/or curriculum
- Create a **professional development plan** for training needs of all personnel to meet the needs of the students with disabilities
- Dual Enrollment – special education is only provided in conjunction with enrollment in academic or non-academic programs

Chapter 10 –

SDE Performance Indicators

- Idaho State Performance Plan (SPP) data collection
 - Graduation Rate
 - Dropout Rate
 - ISAT Statewide Assessments
 - Suspension & Expulsions
 - LRE
 - Parent Involvement
 - Disproportionality
 - Initial Eligibility Timeline
 - Secondary Transition
 - Post School Outcomes
 - Timely Correction of Noncompliance
 - Timely & Accurate Reporting

Chapter 11 – Procedural Safeguards

- Prepare a procedural safeguards notice to be given to every parent of a student with a disability and IEP and for all referrals.
- Include information about all options that parents have under IDEA and the charter when they disagree with decisions that have been made

Chapter 12 - Discipline Procedures

- Regardless of the Charter school's discipline policy and procedures, IDEA 2004 discipline procedures must be implemented
- Understand the definition of “Actions involving change of placement”
- **Manifestation determination** is required in a change of placement
- FAPE considerations, if suspended or expelled

DATA & ACTION Calendar

- State requirements
- Federal – Office of Special Education Programs (OSEP)

SDE General Supervision Monitoring

- **Oct 1**

SDE will contact the school to schedule an on-site technical assistance/monitoring visit by a monitoring team for the purpose of determining program eligibility.

- visits will take place and be completed in the initial eligibility phase no later than December 1.

Monitoring

- **Dec 1**

Onsite technical assistance visits and monitoring visits completed.

- **Dec 10**

SDE will notify the school of the findings from the monitoring team. The notification will include the following information:

Monitoring Team Findings

1. Overall eligibility/compliance finding.
2. Specific areas needing improvement, if any.
3. Evaluation of adequacy of current special education budget for delivering all required services for special education students.
4. For programs found **not eligible**, a proposed timeline for next steps in assisting the school in making necessary improvements.

Funding Time Lines

- Mar – June

During offer of enrollment, acquire special education information

- May 1

Provide SDE w/ Written Notice of opening date
(at least 120 days before the date the school is to open)

- Apr – July

During enrollment procedures and paperwork, obtain low SES data

Funding Time Lines

- **July 1**

Provide SDE w/ accurate estimate of:

- 1) anticipated opening enrollment,
- 2) low SES enrollment number,
- 3) number of sp ed students,
- 4) contact info for special education administrator, and
- 5) proof of adoption of special education policies and procedures (Governing Board minutes)

Funding Dates

- **July 15**

SDE will provide information regarding the statewide median amount of expenditures per pupil from state general funds for providing special education. This will assist the new school in developing and revising its special education budget in order to meet non-supplanting requirements.

SDE will also notify new school of the initial estimate of IDEA Part B funding allocation.

Funding Dates

- **Sept 15**

The school will provide SDE a detailed estimated total budget for special education Budget should detail all anticipated expenditures for providing a program of special education in a format provided by the SDE.

The school will provide SDE a list of all students with IEPs who are enrolled in the school.

Funding Dates

Oct 1

The school will provide SDE the following information necessary for determining a revised estimated IDEA Part B allocation for the school yr

1. Actual school enrollment as of date reported.
2. Number of low income students determined by Free and Reduced Lunch or comparable low-income criteria.

Funding Dates

- **Oct. 15**

Based on actual enrollment and number of low-income students, SDE will calculate and provide the new school a revised estimate of the IDEA Part B Funding allocation.

Funding Dates

- **Nov 1-15**

Based upon initial calculations SDE will provide budgetary information to the new school including the following:

1. Amount of initial advanced payments calculated under Exceptional Education Support Program
2. Information regarding the requirements to budget from these funds for special education prior to receiving federal IDEA Part B funds (non-supplanting requirement).

Funding Dates

- **Jan 2-15**

New schools determined eligible, SDE will provide the following:

1. Final IDEA Part B allocation amount
2. Instructions and technical assistance on final completion of the Part B application.
3. Guidance and review of the schools budgeting and accounting procedures regarding special education funds.
4. Guidance and technical assistance regarding draw-down procedures for Part B funds.

Funding Dates

- **Jan 2-15**

The new school will:

1. Participate in training re: IDEA Part B application, budget and accounting for special education funds, cash balance reporting.
2. Complete the IDEA Part application and submit all required signed forms to SDE no later than January 25.

Funding Dates

- **Jan 31 after opening**

SDE will notify the new school of final approval. IDEA Part B allocation becomes available for disbursement.

CONGRATULATIONS!!!!!! 😊

Resources

- SDE Website:
http://www.sde.idaho.gov/site/special_edu/
 - Idaho Special Education Manual 2007
 - IDEA Part B (Title VI-B) Application
 - Monitoring
 - State Performance Plan
 - Idaho Training Clearinghouse
 - Special Education Director contact info
 - Special Education Contacts

Resources

- Resources Available:
<http://csi.boisestate.edu/icsn.htm>
<http://www.nasdse.org>
<http://www.cec.org>
<http://www.uscharterschools.org>
- SDE contact: ecompton@sde.idaho.gov